

REMARKS

Claims 36-70 are pending in the application. Claims 36-70 stand rejected. Applicants request further review and examination in view of the claimed amendments and following remarks.

Allowability of Related Case

Applicants have received a Notice of Allowance in a related case Application No. 10/646,645 and advise the Examiner to review the file history of the '645 Application.

Claim Rejections – 35 USC § 103

Claims 36-42, claims 48-55, and 61-67 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,905,987 to Shutt over U.S. Patent No. 6,212,512 to Barney. Claims 43-47, 56-60, and 68-70 stand rejected under 35 U.S.C. § 103(a) over Shutt in view in Barney and in further view of U.S. Patent Application Publication No. 2001/0037412 to Miloushev. Applicants respectfully traverse these rejections.

Claim 36

Claim 36 recites in part “storing, by an operating system that includes a shell and a kernel, the kernel of the operating system including a file system and a database management program, the file system integrated with a database management program.” Applicants submit that the forgoing subject matter is not taught or suggested by the art of record. The Office Action states that Barney describes an operating system that comprises a file system integrated with a database management program. (Office Action at p. 4). Applicants disagree. The cited portion of Barney states that subject matter of the invention “appears to a user as if the data protection system is just another computer of Windows.” (Barney at col. 2, lines 44-45).

Applicants submit that while the database of barney may *appear to a user* to be part of the operating system it is not in fact a part of the OS. Barney states that the data protection software 120 is an application that is installed on top of an existing OS and integrates the file system via Windows Explorer. (See Barney at col. 5, lines 10-17). Explorer is not the file

system or part of the OS's kernel. Windows Explorer is the shell of the Windows OS and has been a common component of all Windows operating systems since Windows 95. Explorer provides a graphical user interface for accessing the file system: it is not in fact the file system. Thus, Barney describes protection software 120 that integrates with the shell of the operating system and uses Explorer to access the underlying file system. Applicants submit that this fails to teach or suggest the foregoing subject matter of claim 36.

Independent claims 49 and 61 recite similar elements to those in claim 36 and patentably define over the art of record for at least similar reasons as claim 36. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 49 and 61.

Dependent claims 37-48, 50-60, and 62-70 depend directly or indirectly from independent claims 26, 49, or 61 and patentably define over the art of record for at least the reason describe above with respect to claim 36. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 37-48, 50-60, and 62-70.

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

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